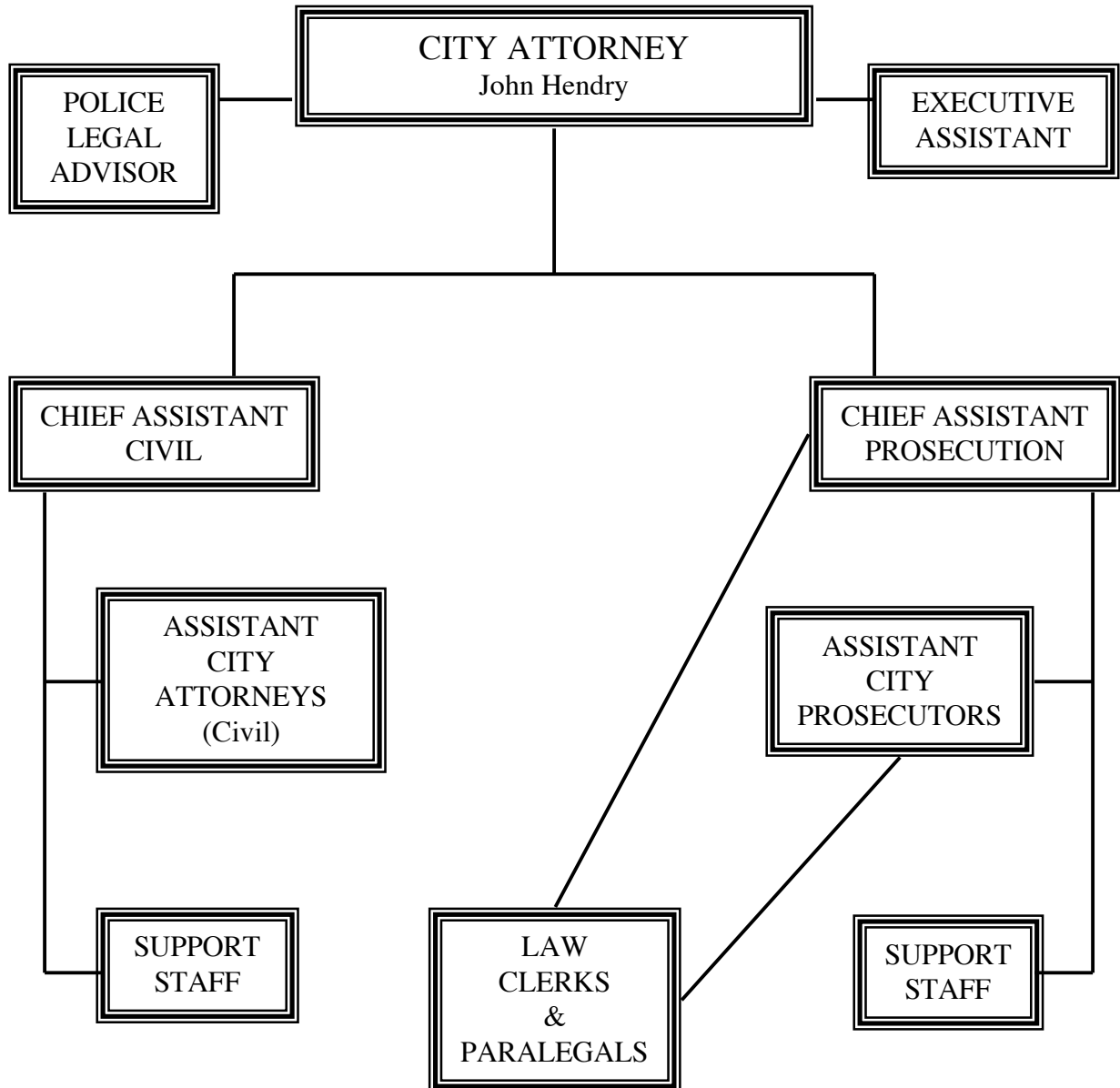


# CITY LAW DEPARTMENT





## LAW DEPARTMENT

**GOAL:** Provision of effective legal services to the Mayor, City Council, and executive levels of municipal government.

### SIGNIFICANT CHANGES FOR THE LAST FIVE YEARS

- Redevelopment activities, including negotiation and drafting of option to Purchase Agreement, Redevelopment Agreement and Remediation Agreement with NDEQ.
- Development and Zoning Issues, Impact Fees, and Annexation Agreements.
- Prosecution of driving under the influence of drug cases – Qualification of Drug Recognition Expert trained police officers.
- Development of Stormwater Drainage Criteria Manual.
- Gas Franchise – Renegotiation and audit as it relates to the sale of Aquila to Black Hills.

### PROJECTED CHANGES FOR THE NEXT FIVE YEARS

- Stress preventative legal representation to avoid unnecessary litigation.
- Community growth and expansion of city services such as utilities, police and fire protection, and public property maintenance will result in additional complex litigation in the areas of civil rights, torts, personnel, environmental, and disaster assistance claims.
- eDiscovery rules at the Federal Court level creates a significant liability, if not followed.
- Legal services and increased coordination between Council, Administration, and Problem Resolution Team on “Quality of Life” issues such as blight; graffiti; red tagging houses; wild parties, etc.
- Personnel law such as discrimination; worker’s compensation issues; labor negotiations; employee benefits.
- Affirmative action and enforcement of housing, employment, and equal opportunity structures.
- Regulatory Issues – (1) Telecommunications (2) Environmental (3) Natural Gas (4) Liquor (5) Emergency Medical Services/ Ambulance/Medicare/Health Reform - HIPPA compliance (6) Personnel/Employment - ADA, FMLA, FLSA, Drug Testing.
- Environmental Issues – (1) Water - Protection of City’s Water Supply (2) NPDES - Solid Waste and Stormwater Permits (3) Recycling, hazardous waste, solid waste management, landfill, air pollution, etc. (4) Acquisition and drafting of conservation easements (5) Floodplain ordinances.
- Prosecutorial Workload will be impacted by: (1) Emphasis on public safety with the addition of police officers and increased pressure for visible results (2) Continuing trend by Nebraska Legislature to enhance DUI penalties (3) Increase in the number of judges, particularly at the County and Juvenile court levels.
- Long Range Transportation Plan Update.
- Development and Zoning Issues (1) Implementation of the 2030 Comprehensive Plan long range planning tasks (2) Annual Plan Status Report and Five year Plan Update (3) Acquisition of Property as needed for new projects (4) New Zoning and Subdivision Codes (5) Annexation Issues (6) Redevelopment Projects (7) Adopting new impact fee schedules for paying cost of major infrastructure improvements (8) Antelope Valley (9) Beltway Issues (10) Collection on outstanding Improvements (11) Protection of future right-of-way needs from premature development (12) Fringe TIF Projects (13) Infrastructure Financing Options.

**LAW DEPARTMENT**

**GENERAL FUND**

<b>PROGRAM STATEMENTS</b>				
<b>OBJECTIVES</b>		<b>ACTUAL</b>	<b>ESTIMATE</b>	<b>PROJECTED</b>
<b>PERFORMANCE MEASURES</b>		<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
1.	Professional provider of in-house legal services to best protect the interest of the taxpayers of the City of Lincoln, Nebraska, in a cost effective, efficient, and reliable manner to the Mayor, City Council, executive and administrative levels of municipal government as well as the Public Building Commission and the Joint Antelope Valley Association by supporting policy makers, communicating law dispassionately and in a way understood by lay people, and delivering unpopular information sensitively.			
A.	Provide legal representation to the City in all administrative proceedings and litigation initiated by, or filed against, the City.			
1.	Average cost per hour for outside legal counsel.	Min. \$160	Min. \$160	Min. \$160
2.	Number of cases handled by outside legal counsel.	1	1	0
3.	Average cost per hour for in-house legal counsel. (If adequately staffed at 16.0FTE)	\$91	\$94	\$99
4.	Number of cases handled by in-house legal counsel. (Number opened/Number closed/Number pending)	43/54/62	50/50/70	50/50/70
5.	Review of tort claims filed against the City.	292	300	325
B.	Provide general legal services to the Mayor, Council, and city officers as well as various boards, committees and commissions to minimize financial and legal liability weighing legal factors, offering input, opinion, and guidance to present all sides of the issue so clients can make a decision.			
1.	Average cost per hour for outside legal counsel.	Min. \$160	Min. \$160	Min. \$160
2.	Average cost per hour for in-house legal counsel. (If adequately staffed at 16.0 FTE)	\$91	\$94	\$99
3.	Draft and review all Ordinances and Resolutions and monitor all city legislation.	590	600	600
4.	Draft and review contracts, agreements, leases.	Ongoing	Ongoing	Ongoing
5.	Project Negotiation – Attend meetings; provide legal guidance as to legality of the project and ensure successful implementation.	Ongoing	Ongoing	Ongoing
6.	Monitor State Legislative activity – Number of bills reviewed and tracked.	198	338	200
7.	Review EO's/DO's within 5 days of receipt.	1,096/68%	1,470/70%	1,365/65%
	Total EO's/DO's reviewed	1,924	2,100	2,100
	Number of EO's/DO's drafted	312	250	275
8.	Prepare updates for the Lincoln Municipal Code – Print/Web.	2/52	2/52	2/52
C.	Handle all violations of the City Code referred to the Prosecution Division in a cost-effective manner.			
1.	Traffic and misdemeanor offenses processed within 2 days of receipt. (Number of counts/Number of filings in County Court)	66,130/32,763	66,000/33,000	66,000/33,000
2.	Case/Attorney Ratio.	5,460 per atty	5,500 per atty	5,500 per atty
3.	County Court Sessions – Weekly Average.	45	45	50
4.	Juvenile Court Cases (informal/formal filings).	1,320/469	1,300/425	1,300/425
5.	Juvenile Court Scheduled Hearings – Weekly Average.	20	25	35
6.	Appeals to Higher Courts.	30	30	30
7.	Prompt handling of public inquiries (office visits, phone, written).	38,002	38,600	39,000
8.	Code referrals.	91	100	125
9.	Training – review prosecution efforts with referring agencies.	8	8	8

# LAW DEPARTMENT

## GENERAL FUND

### COMMENTS:

1. Bldg. Com. pays \$37,008 for legal representation.
2. An Attorney position eliminated in 2007-08 is restored.
3. Travel/Mileage increase is to meet Supreme Court mandated continuing legal education hours requirements going into effect in 2009.

EQUIPMENT DETAIL		ACTUAL	BUDGET	MAYOR	COUNCIL
		2006-07	2007-08	2008-09	2008-09
	MAYOR 2008-09				
	COUNCIL 2008-09				
None		<b>EXPENDITURE SUMMARY</b>			
		PERSONNEL	1,857,272	1,782,328	1,916,113
		SUPPLIES	33,064	28,750	29,050
		SERVICES	138,789	142,064	149,647
		EQUIPMENT	1,249	0	0
		TRANSFERS	0	0	0
		TOTAL	2,030,374	1,953,142	2,094,810
		<b>REVENUE SUMMARY</b>			
		GENERAL FUND		1,953,142	2,094,810
		TOTAL		1,953,142	2,094,810
		<b>SERVICES SUMMARY</b>			
		Contractual	18,019	18,548	20,148
		Travel/Mileage	109	400	5,400
		Print/Copying	5,100	5,500	5,500
		Insurance	4,336	5,716	5,781
		Utilities	11,943	12,000	12,000
		Maint./Repair	2,345	2,611	1,403
		Rentals	89,809	91,014	92,640
		Miscellaneous	7,129	6,275	6,775
		TOTAL	138,789	142,064	149,647
	0				0

		PERSONNEL DETAIL				
CLASS			EMPLOYEES		BUDGET	MAYOR
CODE	CLASS	PAY RANGE	07-08	08-09	2007-08	2008-09
X	0024	Prosecution Assistant	29,748-39,149	4.00	4.00	154,831
X	0026	Legal Secretary II	34,139-44,732	3.00	3.00	133,330
X	0028	Paralegal	34,139-44,732	1.00	1.00	41,142
X	0032	Excluded Senior Office Assistant	27,770-36,630	2.00	2.00	58,763
M	0633	Executive Assistant	47,347-81,040	1.00	1.00	71,686
M	0705	Attorney I	48,821-99,569	1.00	2.00	58,356
M	0706	Attorney II	61,228-119,394	11.00	11.00	922,957
M	0708	Chief Asst. City Attorney	61,228-119,394	2.00	2.00	238,788
D	0710	City Attorney	54,639-129,452	1.00	1.00	118,070
		Salary Adjustment				28,044
		Vacancy/Turnover Savings			-17,979	-19,330
Fringe Benefits (Workers' Compensation)					2,384	2,428
TOTAL			26.00	27.00	1,782,328	1,916,113
						0